UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,717	11/21/2001	Victor Wiener	101351-21	1000

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EXAMINER
HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
2645	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/990,717	WIENER ET AL.
	Examiner	**Art Unit**	
	Allan Hoosain	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 November 2004_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _40-89_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _40-89_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

      application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-41, 42/40,42/41, 43-46, 47/40,47/41,47/45, 47/46, 48-52, 53/50,53/51,53/52, 54-58,

59/56,59/57, 60-61, 62/60,62/61, 63, 64/60,64/61, 65/60,66/61, 67/60,67/61, 68-71, 72/69,72/70,

73-87, 88/40,88/41,88/45,88/46,88/73,88/79, 89/40,89/41,89/45,89/46,89/73,89/79, rejected

under 35 U.S.C. 102(e) as being anticipated by **Bateman et al.** (US 5,884,032).

As to Claims 40,45-46,50-51,60,70,73,79-87, with respect to Figures 1-3, **Bateman** teaches a

method of establishing a communications call, including:

enabling a customer (an A-party) to select on-line help agent (a B party) using an

interactive device, 4, connected to a public network, 6 and 9, said public network comprising the

Internet (a messaging network) (Figure 1 and Col. 6, lines 6-13);

utilizing said messaging network to access web pages (called address data) for said B

party from a public directory, 52, of said public network, 6, in response to selecting said B party

(Col. 6, lines 31-45);

sending said called address data for said B party and calling address data for the customer

(an A party) to an ACD-MIS system (connection module) of said public network (Col. 6, lines

32-41); and

establishing a call between said A and B parties over said public network using said

connection module and said called and calling address data (Col. 7, lines 5-13).

As to Claims 41,61,69, **Bateman** teaches a method of establishing a communications call,

including:

enabling an A party to select a B party using an interactive device connected to a public

network, said public network comprising a messaging network (Figure 1 and Col. 6, lines 6-13);

utilizing said messaging network to access called address data for said B party using said

interactive device and a search module of said public network and a database of said public

network including called address data (Col. 6, lines 31-45);

sending said called address data for said B party and calling address data for the A party

to a connection module of said public network (Col. 6, lines 32-41); and

establishing a call between said A and B parties over said public network using said

connection module and said called and calling address data (Col. 7, lines 5-13).

As to Claim 42/40, 42/41, **Bateman** teaches a method as claimed in claims 40 or 41, wherein

said interactive device is a computer and/or telephony device including a visual display (Figure

1, label 4).

As to Claim 43, **Bateman** teaches a method as claimed in claim 40, wherein said interactive device is associated with said A party (Figure 1).

As to Claim 44, **Bateman** teaches a method as claimed in claim 40, wherein said interactive device is a communications terminal for said call (Col. 7, lines 5-13).

As to Claims 47/45, 47/46, **Bateman** teaches a method as claimed in claims 45 or 46, wherein said public network includes at least one public telecommunications network, 9, for connecting said A and B parties (Figure 1).

As to Claim 48, **Bateman** teaches a method as claimed in claim 47, wherein said messaging network provides said interactive device with a plurality of B party data (Col. 6, lines 32-45).

As to Claim 49, **Bateman** teaches a method as claimed in claim 47, wherein said messaging network accesses and forwards said called address data to said telecommunications network (Col. 6, lines 31-45).

As to Claims 52,58, **Bateman** teaches an interface as claimed in claim 51, wherein said results includes called address data for said B party data, and said selected party data includes said called address data (Col. 6, lines 31-41).

As to Claims 53/50,53/51, **Bateman** teaches an interface as claimed in claims 50, 51 or 52,

wherein said interface is sent to said interactive device by said public network on request from

said interactive device (Col. 6, lines 1-20).

As to Claims 54-55, **Bateman** teaches an interface as claimed in claim 51, wherein said public

network includes at least one public telecommunications network for establishing said call

(Figure 1).

As to Claims 56-57,77, with respect to Figure 1, **Bateman** teaches an interface stored on an

interactive device connected to a public network, including:

code for generating a display on interactive device of B party data (Col. 6, lines 8-20);

code allowing an A party to select a B party from said B party data (Col. 6, lines 20-30);

and

code for transmitting to said public network selected party data corresponding to the

selected B party and A party data (Col. 6, lines 25-30);

whereby said public network accesses called address data for said B party in a public

directory of a messaging network of said public network on the basis of said selected party data

and establishes a call between an A party and a B party using said A party data and said called

address data (Col. 6, lines 31-55).

As to Claims 59/56,59/57, **Bateman** teaches an interface as claimed in claims 56 or 57, wherein

said messaging network of the public network includes a TCP/IP messaging network and said

public network further comprises at least one public switched telephone network for establishing said call (Figure 1).

As to Claim 63, **Bateman** teaches a system as claimed in claim 61, wherein the access module includes directory data from said directory database for display by said A party (Col. 6, lines 32-41).

As to Claims 64/60,64/61, **Bateman** teaches a system as claimed in claims 60 or 61, including a search module accessible by said A party over said network for searching said directory database (Col. 6, lines 1-5).

As to Claims 65/60,65/61, **Bateman** teaches a system as claimed in claims 60 or 61, wherein said call is established with a terminal of the A party which selects said selected B party (Col. 6, lines 1-5).

As to Claims 66/60,66/61, **Bateman** teaches a system as claimed in claims 60 or 61, wherein said call is established with a terminal of the A party which is separate from the terminal selecting said B party (Figure 1, label 2).

As to Claims 67/60,67/61, **Bateman** teaches a system as claimed in claims 60 or 61, wherein the address data includes a party terminal number and security information (Col. 6, lines 44-50).

As to Claim 68, **Bateman** teaches a system as claimed in claim 60, wherein at least one of the

calling address data and the called address data includes account information (Col. 6, lines 63-60

and 6-8).

As to claim 71, **Bateman** teaches a server as claimed in claim 70, including a directory database

module for accessing directory data, including communications address data, of parties

connected to at least said public network, wherein the communications address data of said

connect message for at least said B party is obtained using said directory database module (Col.

7, lines 43-61).

As to Claims 74,78, **Bateman** teaches a method as claimed in claim 73, wherein the

identification data is page (name data) (Col. 5, lines 15-22).

As to Claim 75, **Bateman** teaches a method as claimed in claim 73, wherein the directory service

is adapted to access a database of URLs (public communications addresses) stored against

respective identification data (Col. 5, lines 15-22).

As to Claim 76, **Bateman** teaches a method as claimed in claim 73, wherein selection of the

displayed element invokes generation of code on the interactive device to generate and send the

first message (Col. 6, lines 14-24).

As to Claims 88/40,88/41,88/45,88/46,88/73, **Bateman** teaches a network system having

components for executing the steps of a method as claimed in claims 40, 41, 45, 46, 73 (Col. 6,

lines 31-60).

As to Claims 89/40,89/41,89/45,89/46,89/73, **Bateman** teaches a Computer software having

code for executing the steps of a method as claimed in claims 40, 41, 45, 46, 73 (Col. 6, lines 14-

65).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 40-41,45-46,50-51,56-57,60-61,69-70, 73,77, rejected under 35 U.S.C. 102(b) as being

clearly anticipated by **Padden et al.** (US 4,979,206).

As to Claims 40-41,45-46,56-57,69-70, with respect to Figures 1-6, **Padden** teaches a method of

establishing a communications call, including:

enabling an A party to select a target customer (a B party) using a VRU (an interactive

device) connected to a public network, said public network comprising a messaging network

(Figure 1 and Col. 6, lines 49-60);

utilizing said messaging network to access called address data for said B party from a

public directory of said public network in response to selecting said B party (Col. 6, lines 60-67

and Col. 7, lines 1-7);

sending said called address data for said B party and calling address data for the caller (the

A party) to control 10 (a connection module) of said public network (Col. 7, lines 3-15); and

establishing a call between said A and B parties over said public network using said

connection module and said called and calling address data (Col. 7, lines 11-14).

As to Claims 50-51,60-61,73,77, with respect to Figures 1-6, **Padden** teaches an interactive

device for originating a communications call, including:

a display controller for causing display of a desired directory number (at least one B

party) (Col. 5, lines 14-18);

an operator (selector) for enabling an A party to select a B party on said display (Col. 5,

lines 20-30); and

data link 54 (a link) which on being activated sends selected party data corresponding to

said B party to a DAS/C computer (public network),

whereby said public network accesses called address data of said B party in a public

directory via a messaging network on the basis of said selected party data and forwards said

called address data to connection module of said public network to establish a call with said B

party (Col. 5, lines 50-68).

Response to Arguments

5. Applicant's arguments filed in the 9/2/03 Remarks have been fully considered but they are not

persuasive because of the following:

(a) **Bateman** does not teach a customer choosing a particular agent and a public directory.

Examiner respectfully disagrees because the on-line help is to a particular call center.

All agents represent the particular call center. Therefore, when the customer selects on-line help

it is for a particular call center agent.

Examiner also believes that the MM50 'Hotlist' is a public directory because it is part of

the Server 28 which is on the Internet (public network) and is accessed by customers (the public)

when they browse web pages and seek requests for help (agents) (Col. 7, lines 43-61). This

explanation is supported by the disclosure which teaches that the disclosed public directory is a

web server on the Internet (see US 6,324,264, Col. 4, lines 11-19 and Figures 1-2,5).

(b) **Padden** does not teach accessing telephone numbers using a messaging network.

Examiner respectfully disagrees. As shown in Figure 1, local database system is

accessed using data links and remote database system 20 is accessed via data network 18.

Examiner respectfully believes that all the other arguments were addressed satisfactorily

in the previous Office Actions.

(c) Examiner respectfully invites Applicants to contact Examiner to discuss other possible

amendments for overcoming the prior art of record.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Dekelbaum et al. (US 5,838,682) teach setting up calls between parties using directory

information from web servers.

Dezonno et al. (US 5,991,394) teach establishing calls between a computer user and agents

based upon web directory information.

Bannister et al. (US 6,430,282) teach originating calls to first and second voice terminals using

voice call requests from data service nodes.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

8. Any response to this final action should be mailed to:

Box AF
    Commissioner of Patents and Trademarks
    Washington, D.C. 20231

or faxed to:
    (703) 872-9314, (for formal communications; please mark "EXPEDITED
    PROCEDURE")
Or:
    (703) 306-0377 (for customer service assistance)

**Hand-delivered responses should be brought to Carlyle, Alexandria,
VA 22313 (Receptionist).**

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Allan Hoosain** whose telephone number is (571) 272-7543. The

examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Fan Tsang**, can be reached on (571) 272-7547.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Allan Hoosain
Primary Examiner
5/11/05